

THOMTE, MAZOUR & NIEBERGALL, L.L.C.
ATTORNEYS AT LAW

PATENT, TRADEMARK AND COPYRIGHT CAUSES

DENNIS L. THOMTE*
DENISE C. MAZOUR
SHANE M. NIEBERGALL
*Also admitted in Iowa

2120 SOUTH 72ND STREET SUITE 1111
OMAHA, NEBRASKA 68124
Telephone (402) 392-2280
Facsimile (402) 392-0734

January 16, 2007

Attn: Latrice Simms

Please process a refund to our deposit account for the filing fee(s) charged to our account on January 16, 2007 under fee code 2401 and 2402:

Application #:	10/048,592
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We placed a notation on the transmittal letter, so no fee should be due for the filing of the brief or the appeal, pursuant to MPEP 1207.4

If you need to contact me, I can be reached at (402) 392-2280.

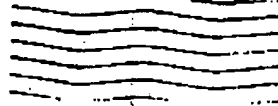
Sincerely,



Melissa Helm
Accounting

PAGE 2/5 - RCVD AT 1/19/2007 12:31:11 PM [Eastern Standard Time] - SVR:USPTO-EPXRF-3/19 - DUNS:2736500 - CSD:4023920734 - DURATION (mm:ss):01:44

GROSS R. MACHIA
Serial No. 10/048,583



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NO. 335 P. 2

JAN. 19. 2007 11:27AM THOMTE LAW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of
R. MICHAEL GROSS]
Serial No.: 10/046,592] BEFORE THE BOARD OF
Filed: January 14, 2002] PATENT APPEALS AND
Title: METHOD AND MEANS FOR] INTERFERENCES
CEMENTING A LINER ONTO THE]
FACE OF THE GLENOID CAVITY]
OF A SCAPULA]
Group No.: 3738]
Appeal No. _____

APPELLANT'S APPEAL BRIEF

Honorable Commissioner of Patents and Trademarks
Alexandria, VA 22313

Dear Sir:

REAL PARTY IN INTEREST

The appellant herein has not assigned his rights to any third party; thus, appellant, R. Michael Gross, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences that are related to this case.

STATUS OF THE CLAIMS

This is an appeal of the Examiner's final rejection of claims 1-5 and 8-16. Claim 1 is an independent claim. Claims 2-5 and 9-12 each ultimately depend from claim 1. Claim 8 is an independent claim. Claims 13-16 each ultimately depend from claim 8.

GROSS, R. MICHAEL
Serial No. 10/046,592

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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(e)]
on December 28, 2006

Signature 
Typed or printed name SHANE M. NIEBERGALL

In re Application of
R. MICHAEL GROSS

Application Number 10/046,592	Filed January 14, 2002
For Method and Means for Cementing a Liner into the Face of the Glacoid	
Art Unit 3738	Examiner Petligrino, B.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

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☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

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☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 502093. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

* No fee due pursuant to MPEP 1207.4

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I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/98)

☒ attorney or agent of record.
Registration number 44,974

(402)392-2280

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34.

December 28, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.5. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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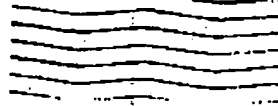
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Serial No. 110/048,502

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Application of R. MICHAEL GROSS]	BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
Serial No.:	10/046,592]	
Filed:	January 14, 2002]	Appeal No. _____
Title:	METHOD AND MEANS FOR CEMENTING A LINER ONTO THE FACE OF THE GLENOID CAVITY OF A SCAPULA]	
Group No.:	3738]	

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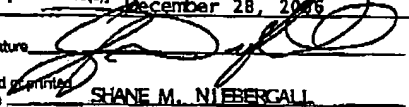
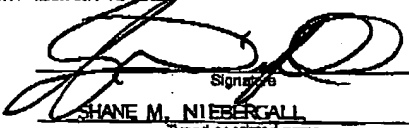
GROSS, R. MICHAEL
Serial No. 10/046,592

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<p>In re Application of R. MICHAEL GROSS</p>		<p>Application Number 10/046,592</p>
<p>Filed January 14, 2002</p>		<p>For Method and Means for Cementing a Liner onto the Face of the Glenoid</p>
<p>Art Unit 3738</p>		<p>Examiner Petigliano, B.</p>
<p>Signature  Typed or printed name SHANE M. NIERBERGALL</p>		
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p>		
<p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ <u>-0-</u></p>		
<p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ <u>-0-</u></p>		
<p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p>		
<p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p>		
<p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p>		
<p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>502093</u>. I have enclosed a duplicate copy of this sheet.</p>		
<p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p>		
<p>* No fee due pursuant to MPEP 1207.4</p>		
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<p>I am the</p>		
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<p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/58)</p>		
<p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44,974</u></p>		
<p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34, _____</p>		
<p>Signature  Typed or printed name SHANE M. NIERBERGALL</p>		
<p>Telephone number (402) 392-2280</p>		
<p>Date December 28, 2006</p>		
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>		
<p><input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.</p>		

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